

# **EXHIBIT 2**

**A.H., ET AL. vs COUNTY OF SAN BERNARDINO, ET AL.**  
**Kristopher Hillebrand on 06/25/2024**

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA

3

4 A.H., et al,

5 Plaintiffs

6 vs.

Case No.: 5:23-cv-01028-JGB-SHK

7 COUNTY OF SAN BERNARDINO, JUSTIN  
8 LOPEZ, and DOES 1-10, inclusive,

9 Defendants

10 AND ALL RELATED CROSS-ACTIONS.

11

12

13 DEPOSITION OF KRISTOPHER HILLEBRAND

14 June 25, 2024

15 10:00 AM

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17 REPORTED REMOTELY VIA TELECONFERENCE

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24 REPORTED BY:  
ELIZABETH CHAE  
25 CSR No. 14633

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1 A. Yes, ma'am.

2 Q. And to your knowledge -- well, let me just ask,  
3 when were you first issued a body worn camera?

4 A. Not long ago. I would estimate four months  
5 ago.

6 Q. Okay. So I asked you earlier what time of day  
7 it was when you responded to the incident. And I wanted  
8 to know, how did you first become aware of this  
9 incident? Before you, before you responded at that  
10 time?

11 A. I heard -- all over the radio.

12 Q. And were you at the station when you heard the  
13 call over the radio?

14 A. No.

15 Q. Where were you when you first became aware of  
16 this incident?

17 A. I was in the area of Air Expressway and  
18 Montezuma Street in the city of Adelanto.

19 Q. Were you handling another call when you first  
20 became aware of this incident?

21 A. No.

22 Q. Were you just generally on patrol?

23 A. Yes.

24 Q. And what was the nature of the call when you  
25 first became aware of it?

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1 A. I believe it was put out as a traffic stop.

2 Q. And at that time was it your understanding that  
3 Deputy Lopez was responding to the incident?

4 A. It was my understanding that he initiated a  
5 traffic stop.

6 Q. Okay. And at some point did you hear Deputy  
7 Lopez say something to the effect of, "one running"?

8 A. Yes.

9 Q. And is that something you heard over the radio?

10 A. Yes.

11 Q. And you were still in your vehicle at that  
12 time?

13 A. Yes, ma'am.

14 Q. At some point did you assign yourself to this  
15 call?

16 A. Yes, ma'am.

17 Q. And was there any specific reason that you  
18 decided to respond to the call?

19 A. Yes, ma'am.

20 Q. And what was that reason?

21 A. In order to provide assistance to my partner  
22 because we ride in single man units.

23 Q. Okay. Was Deputy Lopez your assigned partner  
24 on the date of the incident?

25 A. No. We don't really have assigned partners.

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1 That's not really how it works for our department where  
2 we work.

3 Q. Okay. Did you make any broadcast over the  
4 radio indicating that you were responding to the  
5 incident?

6 A. I don't believe I broadcasted I was responding.  
7 I believe I initiated it on my in-car computer and I  
8 later broadcast other things. But I don't think I ever  
9 said over the radio that I was responding.

10 Q. Okay. But you did make some indication on your  
11 police computer that you were responding to the call or  
12 the incident?

13 A. That's correct.

14 Q. And how does that work, essentially? Like,  
15 would other officers in their car, if they look at a  
16 computer screen in their car, see the note or indication  
17 that you've made that you're responding?

18 A. Yes, ma'am. So basically, my in-car computer  
19 has a message box on the bottom left-hand corner of the  
20 screen where we can type in commands. The command that  
21 I would have used to show everybody else that I was  
22 responding would be to the effect of AE and then the  
23 call sign of the unit that I'm en route to help and then  
24 hit enter. And if it was me on that call showing me en  
25 route to it. So anybody that looks at that call can see

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1 what units are there and what units are en route.

2 Q. Okay. Thank you for explaining. At any point  
3 before you arrived on scene, did you either hear a radio  
4 broadcast or see a message on the computer screen  
5 indicating that any other officer was also responding to  
6 the incident?

7 A. I don't specifically remember if I saw other  
8 units. Yeah, I don't remember. I don't think I was  
9 paying attention if other units were responding. I was  
10 focused on responding there myself.

11 Q. Okay. And approximately how long did it take  
12 you to get to the scene of the incident once you  
13 assigned yourself to that call?

14 A. I would estimate about 60 seconds.

15 Q. Okay. And at some point, did you hear Deputy  
16 Lopez say over the radio that shots had been fired?

17 A. Something to that effect, yes.

18 Q. And do you recall how you received that  
19 information? Was it over the radio or was it on your  
20 computer screen or both?

21 A. I initially heard it over the radio, yes.

22 Q. And when you heard that over the radio, were  
23 you still in your vehicle traveling to the scene of the  
24 incident?

25 A. Yes.



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1 Q. And, just so I'm clear, did you hear Deputy  
2 Lopez say something over the radio to the effect that  
3 shots had been fired or did you actually hear shots  
4 being fired on the radio?

5 A. I heard Deputy Lopez say that shots had been  
6 fired. I did not hear any gunshots.

7 Q. Okay. That's what I figured. I just want to  
8 make sure I understood that correctly.

9 A. Sure.

10 Q. When you heard that communication over the  
11 radio that shots had been fired, at that time, did you  
12 have any understanding as to who had fired the shots?

13 A. No.

14 Q. And approximately how much time passed between  
15 you hearing the communication that Deputy Lopez had one  
16 running and you hearing the communication that shots had  
17 been fired?

18 A. Seconds. I can't provide a really good  
19 estimate on that. It was a very short period of time.  
20 Between when he said he was in a foot pursuit and the  
21 first call of shots of fire came out was mere seconds.

22 Q. Okay. Before you arrived at the scene of the  
23 incident, did you ever hear any information over the  
24 radio that the subject had a gun?

25 A. Not that I recall.

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1 Q. Have you ever received any training as a  
2 sheriff's deputy that if you think a subject has a gun  
3 you should broadcast that information over the radio?

4 KAYLEIGH ANDERSON: Objection. Incomplete.  
5 Hypothetical, but you can answer.

6 THE WITNESS: I'm sorry. Can you repeat that?

7 BY RENEE MASONGSONG:

8 Q. Yeah, sure. Have you ever had any training as  
9 a sheriff's deputy that if you think a subject has a gun  
10 that you should broadcast that information over the  
11 radio?

12 KAYLEIGH ANDERSON: Same objection. You can  
13 answer.

14 THE WITNESS: I don't remember specifically them  
15 addressing that point in my training. I remember being  
16 trained to put out what we can, when we can.

17 BY RENEE MASONGSONG:

18 Q. Okay. Before you arrived at the scene of the  
19 incident, did you ever learn any information about  
20 Mr. Holland's criminal history?

21 A. I don't remember hearing anything about  
22 Mr. Holland's criminal history.

23 Q. Other than what we've already discussed, the  
24 communications of "one running," or words to that effect  
25 and "shots fired," or words to that effect, did you hear

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1 time?

2 A. Sure. He would have been lying in the roadway  
3 of Cactus just west of Deputy Lopez and myself.

4 Q. And what was the approximate distance between  
5 Mr. Holland and Deputy Lopez at that time?

6 A. I would say less than 5 feet.

7 Q. And can you please describe Mr. Holland's body  
8 position as far as you recall at that time?

9 A. Sure. He would have been lying facedown with  
10 his head facing west and his feet facing east.

11 Q. And I'm sorry if you already included this in  
12 your answer, but was he face up or facedown? I'm sorry  
13 if I missed that.

14 A. Oh, he was lying facedown.

15 Q. And do you recall what he was wearing?

16 A. I can't provide you with specific colors or  
17 logos of his clothing, but I know he would have been  
18 wearing a shirt and pants and shoes.

19 Q. Okay. Did you see any civilians in the  
20 vicinity of Mr. Holland and Deputy Lopez at that time?

21 A. No, not at that time.

22 Q. Did you take your firearm out at some point?

23 A. Yes, ma'am.

24 Q. And when did you first take your firearm out?

25 A. Upon exiting my patrol vehicle.

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1 Q. And what was the reason that you did that at  
2 that time?

3 A. Due to the nature of the call I was responding  
4 to.

5 Q. Did you say anything to Deputy Lopez when you  
6 arrived?

7 A. Yes, ma'am.

8 Q. And what did you first say to Deputy Lopez when  
9 you arrived?

10 A. I don't remember the exact verbiage I used, but  
11 it was something to the effect of, "Where's the gun or  
12 is there a gun?"

13 Q. Okay. And what was the reason that you asked  
14 him, "Is there a gun or where is the gun?"

15 A. Due to the limited information that I had upon  
16 arriving on scene. I wanted to make sure that neither  
17 one of us were in an imminent threat posed by somebody  
18 who could have a gun still.

19 Q. And before you asked Deputy Lopez, "Where's the  
20 gun or is there a gun?"-- before you asked him that, did  
21 you ever hear Deputy Lopez state that Mr. Holland had a  
22 gun?

23 A. I don't believe so.

24 Q. When you were on scene, did Deputy Lopez ever  
25 tell you that he saw a gun?

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1 A. Not that I recall.

2 Q. When you were on scene, did Deputy Lopez ever  
3 tell say that he needed to find the gun?

4 A. Not that I remember.

5 Q. As far as you recall, when you were on scene,  
6 did Deputy Lopez ever tell anyone to look for a gun? As  
7 far as whether you heard that?

8 A. I don't remember hearing that.

9 Q. When you were on scene, did you ever hear  
10 Deputy Lopez say that Mr. Holland said he had a gun?

11 A. That's not really a yes-or-no answer. If I  
12 could elaborate?

13 Q. Sure. What did Deputy Lopez say to you when  
14 you were on scene after you asked him, "Where's the gun  
15 or is there a gun?"

16 A. So Deputy Lopez told me that Mr. Holland had  
17 told him he was going to shoot him. Meaning Mr. Holland  
18 told Deputy Lopez that Mr. Holland was going to shoot  
19 Deputy Lopez.

20 Q. Okay. Is that something that Deputy Lopez told  
21 you in response to your question, "Where's the gun or is  
22 there a gun?"

23 A. I don't know if it was in response to it or if  
24 it was just a spontaneous statement at the time. It  
25 could have been either.

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1 Q. Okay. And do you recall when you asked him,  
2 "Where's the gun or is there a gun?" he said, "I don't  
3 know" or words to that effect?

4 A. Yes.

5 Q. And so I understand you're telling me Deputy  
6 Lopez told you that Mr. Holland told him, "I'm going to  
7 shoot you," or words to that effect; is that correct?

8 A. Yes, ma'am.

9 Q. Did Deputy Lopez ever tell you that Mr. Holland  
10 said, "I have a gun," or words to that effect?

11 A. I don't remember him saying that.

12 Q. When you were on scene, did Deputy Lopez ever  
13 tell you that Mr. Holland took a shooting stance?

14 A. No. Me and Deputy Lopez didn't have much of a  
15 conversation on scene.

16 Q. Okay, understood. And just one last question  
17 on that point, when you were on scene, did Deputy Lopez  
18 ever tell you that Mr. Holland turned toward him?

19 A. I don't remember.

20 Q. Okay. Did you observe Deputy Lopez handcuff  
21 Mr. Holland?

22 A. Yes.

23 Q. And did you assist with the handcuffing it all?

24 A. I assisted with pulling security on the subject  
25 while he was being handcuffed.

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1     than the visual search that you described?

2           A.   Yes.   I do know that deputies did conduct a  
3     search of him.   I don't remember which deputy it was.

4           **Q.   Okay.   Did you, yourself, ever observe any**  
5     **weapons on Mr. Holland's person?**

6           A.   No, ma'am.

7           **Q.   Did you ever observe any weapons in the**  
8     **vicinity of Mr. Holland, other than the deputies'**  
9     **weapons?**

10          A.   No, ma'am.

11          **Q.   Do you know whether any weapons were found on**  
12     **Mr. Holland's person after the shooting?**

13          A.   I don't know, ma'am.

14          **Q.   Did you observe a cell phone on the ground near**  
15     **Mr. Holland?**

16          A.   Yes, ma'am.

17          **Q.   And where was that cell phone located in**  
18     **relation to Mr. Holland, just in terms of when you**  
19     **observed the cell phone and Mr. Holland?**

20          A.   It would have been down by Mr. Holland's feet.  
21     North of his -- where his body was laying.   Mostly on  
22     the road and I think partially in the dirt roadway edge.

23          **Q.   Did you see any other objects near Mr. Holland?**

24          A.   Not that I recall.   Oh, actually, I'm sorry.   I  
25     believe I saw a hat.

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1 Q. Okay.

2 A. And also some fire cartridge casings.

3 Q. Okay. If you know, approximately how much time  
4 passed between you arriving on scene and Sergeant Rios  
5 arriving on scene?

6 A. I would estimate 30 seconds.

7 Q. Okay. And was he the watch commander for the  
8 shift?

9 A. Yes, ma'am.

10 Q. I want to ask you little bit about your  
11 training. During your career as a law enforcement  
12 officer, have ever seen a suspect with the gun in his  
13 hand?

14 A. Yes, ma'am.

15 Q. Have you had any training that a police officer  
16 cannot justify shooting at a suspect just because he has  
17 a gun in his hand, for that fact alone?

18 KAYLEIGH ANDERSON: Objection. Incomplete.  
19 Hypothetical. You can answer.

20 THE WITNESS: Could you reword that I guess...  
21 BY RENEE MASONGSONG:

22 Q. Sure. Let me ask it a different way. Based on  
23 your training, does a peace officer need an objectively  
24 reasonable belief that a suspect poses an immediate  
25 threat of death or serious bodily injury to justify



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1 using deadly force?

2 A. Yes.

3 Q. So in other words, simply having a gun in the  
4 hand is not enough. There would need to be other  
5 factors establishing an immediate threat of death or  
6 serious bodily injury in order to justify shooting; is  
7 that correct?

8 KAYLEIGH ANDERSON: Objection. Incomplete.  
9 Hypothetical, but you can answer.

10 THE WITNESS: I would have to know more  
11 information in order to accurately answer that.

12 BY RENEE MASONGSONG:

13 Q. Okay. Have you ever deployed your firearm  
14 against a suspect?

15 A. By deployed, do you mean shoot?

16 Q. Yes.

17 A. No.

18 Q. At any point when you were responding to this  
19 incident, so like when you were driving over to the  
20 scene, did you ever hear any information over the radio  
21 that Mr. Holland had physically injured anybody?

22 A. No.

23 Q. Have you ever received any training on  
24 distinguishing between a gun and a cell phone?

25 A. Not specifically that scenario, I don't

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1 believe.

2 Q. Okay. Have you been trained that a police  
3 officer should give a verbal warning prior to using  
4 deadly force when it is feasible to do so?

5 A. When it is feasible and safe to do so.

6 Q. Have you had any training with respect to foot  
7 pursuits?

8 A. Yes, ma'am.

9 Q. Have you ever been trained that an officer  
10 should not engage in a foot pursuit as a solo officer?

11 KAYLEIGH ANDERSON: Objection. Lacks foundation.  
12 Incomplete. Hypothetical, but you can answer.

13 THE WITNESS: No. That is not part of my  
14 training.

15 BY RENEE MASONGSONG:

16 Q. Have you ever had any training with respect to  
17 working with a partner when initiating a foot pursuit?

18 KAYLEIGH ANDERSON: Objection. Vague and  
19 ambiguous and incomplete. Hypothetical, but you can  
20 answer.

21 THE WITNESS: No. We've never been trained it's  
22 a requirement to have a partner in order to engage in a  
23 foot pursuit.

24 BY RENEE MASONGSONG:

25 Q. Okay. Do you know if a perimeter was ever set

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1 Q. And is it your understanding that the Taser can  
2 be used against a suspect at a distance of up to  
3 25 feet?

4 A. That really depends on the cartridge.

5 Q. What type of Taser did you have in your duty  
6 belt on the day of this incident?

7 A. That would have been the X2, I believe it's  
8 called.

9 Q. And just based on your training, what is the  
10 approximate range at which that Taser can be effective  
11 against a suspect?

12 A. I believe their probes can reach up to 25 feet,  
13 but that does not under any circumstance mean that it is  
14 effective to that range.

15 Q. To your knowledge, was anyone other than  
16 Mr. Holland injured during this incident?

17 A. Not that I know of.

18 Q. Did you speak to some witnesses after this  
19 shooting?

20 A. I spoke to some people. I don't know if you  
21 would call them witnesses because they didn't actually  
22 witness anything.

23 Q. Okay. That's a good clarification. That was  
24 going to be my next question. Did you speak to anybody  
25 who said they heard the shots?

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1 concludes today. Thank you so much for your time.

2 RENE MASONSONG: Thanks, everyone, for your  
3 patience. Thank you, Deputy. I hope you have a good rest  
4 of your day.

5 THE WITNESS: Thank you, ma'am.

6 (Deposition concluded at 10:45 AM.)

7 (Declaration under penalty of perjury on the  
8 following page hereof.)

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DECLARATION

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I hereby declare I am the deponent in the within  
matter; that I have read the foregoing deposition and know  
the contents thereof; and I declare that the same is true  
of my knowledge except as to the matters which are therein  
stated upon my information or belief, and as to those  
matters, I believe it to be true.

I declare under penalty of perjury in the State  
of California that the foregoing is true and correct.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_ 2024,  
at \_\_\_\_\_, \_\_\_\_\_.  
(City) (State)

\_\_\_\_\_  
KRISTOPHER HILLEBRAND